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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,682	12/17/2001	Raymond Jay Harper	BS01-327	8075

7590 07/19/2006

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EXAMINER	
SWEARINGEN, JEFFREY R	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,682	HARPER ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,16 and 32-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,16 and 32-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 4/27/2006 have been fully considered but they are not persuasive.

3. Applicant argued Leong failed to teach *the instructions to process the network element fault information include instructions to summarize the identified network element fault information corresponding to a plurality of network element faults, the plurality of network element faults comprising transitions to down state, transitions to up state, and frame errors.* The summary was created in the HTML document or the graphic display of column 15, lines 1-6. The monitor in column 14, lines 46-64 kept track of uncorrupted frames. If the number of uncorrupted frames is known, then it is inherent that the number of corrupted frames is known.

4. Applicant argued Leong failed to teach that network fault information is collected over a rolling time period, wherein the rolling time period comprises a previous finite time period wherein the previous finite time period is selected from the group consisting of a plurality of hours, a plurality of days, a week, and a month. Leong, in column 14, lines 59-60, provides a "continual indication of the number of uncorrupted frames being received at the network device". This is collecting network fault information over a rolling finite time period.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11, 16 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Leong et al. (U.S. Patent No. 5,996,010).

7. In regard to claim 1, Leong disclosed

an interior network element; (column 6, lines 15-22)

an edge switch coupled to the interior network element, the interior network element located within a network, wherein the edge switch is a first point of access to the network for communication by a customer; (column 6, lines 15-22)

a trap log resident in the edge switch, wherein the trap log sends an alarm to a management station to alert for specified network events; (column 14, lines 8-12)

a first communications link coupled to the interior network element, the first communications link to carry communications to and from a customer via the edge switch; (column 6, lines 23-43)

a network management server; (column 2, line 66; column 6, lines 12-43) *and*

a computer, the computer coupled to the network element, the computer including a processor, another trap log and a memory, the memory storing a plurality of instructions to be executed by the processor, the plurality of instructions including instructions to

receive a network element identifier from a user, the network element identifier corresponding to the network element, wherein the network element is a switch, the switch coupled to the network management server, (column 6, lines 12-43) *the network management server including network element fault information, and wherein the communications link includes one or more communications circuits;* (column 13, lines 51-65)

receive a network element fault information processing instruction; (column 13, lines 51-65)

receive the network element fault information from at least the alarms from the trap log and another trap log; (column 14, lines 1-12)

process the network element fault information for display to the user based at least in part on the received network element fault information processing instruction, wherein the instructions to process the network element fault information include instructions to summarize the identified network element fault information corresponding to a plurality of network element faults, the plurality of network element faults comprising transitions to down state, transitions to up state, and frame errors; and (column 15, lines 1-6; column 14, lines 46-64 established the ability to monitor frames and column 14, lines 29-31 established the ability to detect errors; the detection of frame errors comes from these two elements)

store the network element fault information into a network fault file wherein the network element fault file contains network element fault information collected over a rolling time period, wherein the rolling time period comprises a previous finite time period wherein the previous finite time period is selected from the group consisting of a plurality of hours, a plurality of days, a week, and a month.. (column 15, lines 1-6; the stored file is inherent to the graphic display of the monitored network parameter)

8. In regard to claim 2, Leong further disclosed

the plurality of instructions include instructions to prompt a user to enter the network element identifier. (column 12, lines 21-30)

9. In regard to claim 3, Leong further disclosed

the plurality of instructions include instructions to prompt a user to enter the network element fault information processing instruction. (column 12, lines 21-30)

10. In regard to claim 4, Leong further disclosed

the instructions to receive network element fault information include instructions to query for the network element fault information based at least in part on the received network element identifier. (column 14, lines 32-42)

11. In regard to claim 5, Leong further disclosed

the instructions to process the network element fault information include instructions to identify network element fault information corresponding to one or more network element faults. (column 14, lines 46-64)

12. In regard to claim 6, Leong further disclosed

the instructions to process the network element fault information include instructions to summarize the identified network element fault information corresponding to one or more network element faults. (column 15, lines 1-6)

13. In regard to claim 7, Leong further disclosed

the instructions to process the network element fault information include instructions to determine a number of network element faults corresponding to one or more chronological periods. (column 14, lines 46-64)

14. In regard to claim 8, Leong further disclosed

the instructions to process the network element fault information include instructions to determine a number of first network element faults and a number of second network element faults, the first network element faults being different from the second network element faults. (column 14, lines 13-31)

15. In regard to claim 9, Leong further disclosed

the network element fault information is associated with one or more of the network element and the communications link. (column 14, lines 8-12)

16. In regard to claim 10, Leong further disclosed

the network element fault information is associated with the communications link. (column 14, lines 46-64)

17. In regard to claim 11, Leong further disclosed

a server, the server coupled to the network element, the server including the network element fault information. (column 6, lines 12-43)

18. Claim 16 is substantially the same as claim 8.

19. Claim 32 is substantially the same as claim 1. The *network element fault information processing criteria provides the user with an option to choose between a fixed time period and a rolling time period* was disclosed in column 12, lines 21-30. *The network element fault data record is a buffer file containing network element fault information collected over one of the fixed time period and the rolling time period* is inherent to the graphic display of the monitored network parameter in column 15, lines 1-6.

20. In regard to claim 33, Leong further disclosed

the network fault information processing criteria includes one or more network element fault types. (column 13, lines 51-67)

21. In regard to claim 34, Leong further disclosed

processing the network element fault information based at least in part on the received network element fault information includes generating a data record, the data record including a plurality a data entries, each data entry of at least a subset of the plurality of data entries including a chronological identifier field and a network element fault indicator field, the chronological identifier field to store a chronological identifier, the network element fault indicator field to store a network element fault indicator. (column 15, lines 16-57)

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chin et al.	US 6,456,306
Niemi et al.	US 6,470,388
Hemphill et al.	US 6,490,617
Vaid et al.	US 6,502,131
Kekic et al.	US 6,664,978
Kekic et al.	US 6,788,315
Rathi et al.	US 6,930,985

Piscitello, David M. et al. "Network Management Capabilities for Switched Multi-Megabit Data Service." ACM SIGCOMM Computer Communication Review. Volume 20, Issue 2. April 1990. pp. 87-97. ACM Press.

Guiagoussou, Mahamat et al. "Implementation of a Diagnostic and Troubleshooting Multi-Agent System for Cellular Networks." International Journal of Network Management. Volume 9, Issue 4. July-August 1999. pp. 221-37. John Wiley & Sons, Inc.

Carzaniga, Antonio et al. "Design and Evaluation of a Wide-Area Event Notification Serivce." ACM Transactions on Computer Systems. Volume 19, Issue 3. August 2001. pp. 332-83. ACM Press.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone
Supervisory Patent Examiner
Art Unit 2145